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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,150	06/24/2003	Maria Adamczyk	9400-25	9908
39072	7590	11/24/2004	EXAMINER	
MYERS BIGEL SIBLEY & SAJOVEC, P.A.			BEAULIEU, YONEL	
P.O. BOX 37428			ART UNIT	PAPER NUMBER
RALEIGH, NC 27627			3661	

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/602,150	ADAMCZYK, MARIA	
	<b>Examiner</b>	<b>Art Unit</b>	MU
	Yonel Beaulieu	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 13 October 2004.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-53 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-13,16-26,29-42,44,45,47-50,52 and 53 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

***Response to Arguments***

Applicant's arguments filed 13 October 2004 have been fully considered but they are not persuasive. The Examiner respectfully disagrees with Applicant's position as to the Murray (2004/0049424 A1) not teaching the highlighted portion in claim 1 (arguments bridging pages 1 and 2 of the remarks). The Examiner still maintains Murray does teach what is argued and still relies on ¶¶0055, 0056, 0089, 0137, and 0137 in combination.

With regard to the arguments bridging pages 2 and 3 of recitations not addressed, the Examiner further disagrees. It is clear, considering the reference as a whole, in ¶137 the participant can be either a driver or a passenger. Either way, he/she is required to enter information including address and, among others, origination and riding/driving of the participant.

As to the argument with regard to claim 5, the last known location of the selected drivers is based upon the entered information (including address of the driver entered at the service provider; note ¶ 0137).

With regard to obtaining traffic information, Murray does teach such (note ¶¶0008, 0011, and 0114 at least).

The Examiner has reconsidered his position with regard to claims 14 and 15 as argued (claims 27, 28, 43, 46, and 51 benefit from the same position). Those claims are objected to.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 - 5, 23, and 25 – 53 are rejected under 35 U.S.C. 102(e) as being anticipated by Murray et al. (US 2004/0049424 A1).

Regarding claims 1 - 5, 25, 31, 32, 34, 37, 38, 39, 44, 45, 49, and 50, Murray teaches matching a passenger with a driver for a trip to a destination comprising identifying a candidate driver for the trip based upon location of the driver responsive to a request from a passenger and providing the passenger an identification of the driver (0041, 0054-0056, and 0107); a ride matching server/communications network (102) configured to receive ride/trip request from a passenger and provide such information to the driver; hence, communication between the candidate driver and the passenger (see

figs. 1-2 at least; 0046, 0086, 0090, and 0147); the passenger/driver matching being embedded into a computer program (112; 0048 and 0049).

Regarding claims 40 and 42, Murray further teaches using the Internet for matching communication (0046 and 0089 at least).

Regarding claim 41, Murray further teaches wireless communication with wireless terminal associated with subscribed users (0056 at least).

Regarding claims 33, 47 and 52, Murray further teaches traffic information (abstract; summary; 0114 at least).

Regarding claims 23, 26, 29, 30, 35, 36, 48, and 53, Murray further teaches providing the matching information based upon start location and destination location (0136, 0140, and 0142 at least).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6 – 13, 16 - 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray et al. ('0049424 A1) as applied to claim 1 (directly or indirectly) and further in view of Kirshenbaum et al. (US 6,584,401 B2).

As discussed above, Murray teaches all of the limitations except for the explicit use of the global positioning system (GPS).

However, Kirshenbaum teaches, in the same field of endeavor of matching a passenger with a driver for a trip the use of GPS (abstract; col. 2: 27 – 30; col. 4: 30 – 44 at least).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Murray's teaching by including GPS technology as evidenced by Kirshenbaum in order to enhance location potential passengers/drivers for the trip.

#### ***Allowable Subject Matter***

Claims 14, 15, 27, 28, 43, 46, and 51 are objected to as being dependent upon a rejected base claim, but would be allowable (as argued) if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (703) 305-4072. The examiner can normally be reached on M-R, from 0900-1600.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas BLACK can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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*YONEL BEAULIEU*  
PRIMARY EXAMINER